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certain securities for the other half, under an agreement that, if paid, they should constitute full satisfaction. The brother died shortly after this agreement, leaving his whole estate to his wife for life, and plaintiffs took no steps to interfere with her possession, but commenced an action against the brother's personal representatives within less than two years after her death to recover the unpaid balance. *Held*, that plaintiffs were not guilty of laches.

3. The failure of a creditor to enforce his claim at a time when prices of real estate were high, so that the claim might have been satisfied by the sale of a few acres of the debtor's land, did not estop the creditor from enforcing the claim afterward, when prices had fallen.

4. Creditors of the estate of a father, who were also creditors of the estate of his son, filed suits against both estates. The personal representative of the father was not a party to the suits against the estate of his son. In those suits a decree was rendered subjecting the son's interest in lands derived from the estate of the father to sale, all the suits being heard together. *Held*, that the creditors were not inconsistent in failing to assert their debt against the estate of the father in the suits against the son's estate, and so were not precluded from maintaining their bill against the father's estate.

LANGSTON v. BASSETTE et al.

June 15, 1905.

[51 S. E. 218.]

INFANTS—GUARDIAN AD LITEM—NECESSITY OF APPOINTMENT.

1. Where it clearly appears that a decree is in favor of an infant defendant, failure to appoint a guardian *ad litem* for him is not reversible error.

2. A decree finding a will valid is not in favor of an infant adopted son of testatrix, who was her only heir, and would, under Va. Code 1904, sec. 2614a, take her whole estate if the will was invalid, and hence failure to appoint a guardian *ad litem* for the son in a proceeding to contest the will was reversible error.

RICHARDSON v. WYMER.

June 22, 1905.

[51 S. E. 219.]

EJECTMENT—EVIDENCE OF TITLE—SUFFICIENCY—JUDGMENT—SATISFACTION
—UNCOMPLETED SALE UNDER EXECUTION—RIGHT TO SECOND EXECUTION.

1. A plaintiff in ejectment, who shows title as purchaser at a sale under an execution on a judgment against one to whom the land was awarded in a partition suit, shows title sufficient to maintain the action.

2. Where an execution was issued, and a sale was made under it, but no part of the purchase price was paid, the judgment was not satisfied, and a second execution might issue.